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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,905	01/03/2002	Akira Karasudani	1614.1207	9594
21171	7590	02/23/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/033,905	KARASUDANI ET AL.	
	Examiner	Art Unit	
	Sana Al-Hashemi	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 October 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim Status: 1-20 rejected.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Elko et al. (US Patent No. 5,537,574).

Regarding Claims 1, 6, 11, and 16, Elko discloses a file device that records a file to storage means divided among a plurality of blocks, comprising:

block allocation means for allocating blocks to record the file in the storage means (see Fig. 1, CPC-1, CPC-M, column 5, lines 43-47, Elko);

management information production means for producing management information designating blocks allocated by the block allocation means (see Fig. 1, DASD Director, column 5, lines 48-53, Elko); and

storage control means for recording the files in the storage means after recording the management information produced by the management information production means in the storage means (see Fig. 1, 101, column 5, lines 61-65, Elko).

Regarding Claims 2, 7, 12, and 17, Elko discloses a file device, wherein the storage control means attaches information indicating a preceding block and information indicating a

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size of data to be recorded in a block to the data recorded in the block and records to the storage means (see column 16, lines 40-48, Elko).

Regarding Claims 3, 8, 13, and 18, Elko discloses a file device, wherein the storage control means updates the management information so that, when a data-unrecorded block occurs among the blocks allocated by the block allocation means when recording the file, the unrecorded block becomes an unused block (see column 17, lines 2-8, Elko¹).

Regarding Claims 4, 9, 14, and 19, Elko discloses a file device, wherein the storage control means has storage sequence setting means for setting a storage sequence of data that makes up the file, the data that makes up the file being allocated among blocks to be recorded by the block allocation means based on the sequence set by the storage sequence setting means and recorded to the allocated blocks (see Fig. 32, 3201, column 51, lines 14-19, Elko).

Regarding Claims 5, 10, 15, and 16, Elko discloses a file device, having file readout means, such that when information indicating the preceding block does not indicate the preceding block as a result of the block being accessed in sequence depending on the management information, the file being read out, and data being read out from the block, or when information indicating the size of the data recorded in the block is outside the actual block size range, the file readout means halts readout of the file and updates the management information so that subsequent blocks become unused blocks (see column 51, lines 20-38, Elko²).

¹ The process of submitting the “cache miss” which indicates the data does not reside in the cache reads on unrecorded block which indicates the block “unused”.

² The step of setting the field to 0 since the page can not be located corresponds to unused block, since the block is stored with no data.

Response to Amendment

Applicant's arguments filed 10/18/04 have been fully considered but they are not persuasive.

Applicant admitted in the amendment filed on 10/18/04 that Elko discloses a system corresponds to the claimed invention. The Elko's disclosure "storing a single independent file in a form of divisions of the file in separate units of storage means, respectively' of the present invention. in fact, according to Elko et al., each "data element ...as a single independent data collection"

Applicant argues Elko fails to discloses the step of "each division of the file, stored in a respective block of the storage means"

Examiner disagrees. Referring to Fig. 4, Col. 16, lines 30-50 Elko clearly disclose the method of dividing a file. Although applicant is arguing the step of "each division of the file, stored in a respective block of the storage means", which is the preamble of the independent claims, the Examiner considered the preamble but did not give it much patentable weight since it was not in the body of the claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4013. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
February 7, 2005



ALFORD KINDRED
PRIMARY EXAMINER